

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 13  
Delores K. Nobles Daniels :  
Debtor : Bankruptcy No. 13-16165

**DEBTOR'S OBJECTION TO TIME-BARRED UNSECURED DEBT PROOF OF CLAIM**

I, Tangie Marie Boston, Esquire, affirm the following to be true and correct:

Upon further investigation I file this objection to the Proof of Claim for Unsecured debt and assert the following:

1. Creditor Altair OH XIII, LLC ( Claim No. 15) Filed a proof of claim in the amount of \$1,503.27
2. An unsecured nonpriority claim is listed on Debtor's Schedule F in the amount of \$1,732.00 for EXXONMOBIL/ CITIBANK
3. Debtor asserts the aforementioned account was opened in November 1989, and she has not made any payments or payment agreements within the five years preceding the bankruptcy petition.
4. Debtor asserts the Debt may be valid and enforceable but subject to the Pennsylvania Statute of Limitations on Debt pursuant to 42 Pa. C.S. 5525(a).
5. Debtor asserts that Respondent knew or should have known that the statute of limitations had expired when the proof of claim was filed
6. Debtor asserts that this Court has held that Creditors may file Proof(s) of Claim on time barred debts and that it is the responsibility of the Debtor to object to the claim under the Bankruptcy Code ( See e.g. In re Keeler, 440 B.R. 354 ( E.D. Pa. 2009).
7. Debtor asserts Respondent have also violated 28 U.S.C. §1927 by intentionally filing an improper Proof of Claim which unreasonably and vexatiously multiplied the proceeding in Debtors' Bankruptcy Proceeding.

8. Debtor asserts that pursuant to §502 of the Bankruptcy Code if as of the date of the Bankruptcy filing, the Creditors' claim was barred by the applicable statute of limitations, then the claim must be disallowed upon objection of the party in interest.
9. Debtor asserts that pursuant to §502(b)(1) of the Bankruptcy Code, a claim shall be disallowed to the extent that the claim is unenforceable under applicable law.
10. Debtor asserts that Respondent Proof of Claim may have been filed in violation of the Fair Credit Debt Collections Practices Act (FDCPA), 15 U.S.C. § 1692 et. seq. by attempting to collect a consumer debt that is clearly outside of the applicable statute of limitations and thus legally unenforceable.

Wherefore Counsel for Debtor respectfully request, this Honorable Court dismiss/ disallow the aforementioned claim and time barred and unenforceable

Date: January 27, 2015

/s/Tangie Marie Boston, Esquire

Attorney for Movant/ Debtor

Delores K. Nobles Daniels

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, having considered the  
Movant/ Debtors' Objection to Time Barred Unsecured Claim, and after a hearing thereon, it is hereby  
ORDERED that the Respondents' Proof of Claim is disallowed.

BY THE COURT

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Jean K. Fitzsimon

BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 27, 2015 a true and correct copy of the foregoing motion and proposed order was electronically filed and electronically mailed to:

ALTAIR OH XIII, LLC.  
C/O WEINSTEIN AND RILEY,PS  
2001 WESTERN AVENUE, STE.400  
SEATTLE, WA 98121

Chapter 13 Standing Trustee  
William C Miller, Esquire  
P.O. Box 40119  
Philadelphia, PA. 19106-0119

Office of the U.S. Trustee  
Eastern District of Pennsylvania  
833 Chestnut Street, Suite 500  
Philadelphia, PA. 19107